

Appl. No. 10/028,118  
Amendment and/or Response  
Reply to Office action of 17 May 2005

Page 6 of 7

REMARKS / DISCUSSION OF ISSUES

Claims 1-20 are pending in the application. Claims 5-13 are withdrawn from consideration as being directed to a non-elected species. The applicant reserves the right to prosecute the subject matter of the withdrawn claims in a divisional or other continuing application.

The applicant herein affirms the election of claims 1-4 for continued prosecution, with traverse.

The Office action rejects claims 1 and 3 under 35 U.S.C. 103(a) over Marks (USP 2,887,566), Nakano (JP 10208284), and Nakabayashi (USPA 2002/0024734). The applicant respectfully traverses this rejection.

Each of claims 1 and 3 claim a corrosion sensitive sensitive polarizing element and an optically transparent cover sheet sealed to a substrate to form a sealed enclosure that includes a non-reactive atmosphere to protect the polarizing element.

Neither Marks, nor Nakano, nor Nakabayashi teaches or suggests a corrosion sensitive polarizing element, and therefore cannot be said to teach forming a sealed enclosure to protect such a polarizing element.

Both Marks and Nakabayashi teach that the polarizing element is a plastic element. Nakano's abstract is silent with regard to the particular material used for the polarizing film, but, like Marks and Nakabayashi, teaches that the purpose of the sealed enclosure is to prevent changes in the materials caused by changes in humidity. Absent evidence to the contrary, and because sealed enclosures are commonly used to protect optical plastics from humidity changes, there is evidence to suggest that Nakano's polarizing element is anything other than plastic, such as explicitly taught by Marks and Nakabayashi.

Because neither Marks, nor Nakano, nor Nakabayashi, individually or collectively teach or suggest a corrosion sensitive polarizing element and an optically transparent cover sheet sealed to a substrate to form a sealed enclosure that includes a non-reactive atmosphere to protect the polarizing element, as specifically

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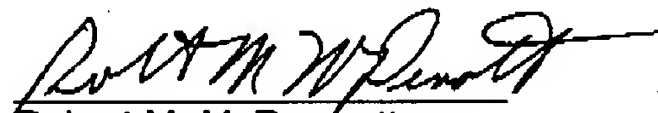
Page 7 of 7

claimed in each of claims 1 and 3, the applicant respectfully requests the Examiner's reconsideration of the rejection of claims 1 and 3 under 35 U.S.C. 103(a) over Marks, Nakano, and Nakabayashi.

The Office action indicates that claim 2 would be allowable if rewritten in independent form, including all elements of its parent claims. Claim 2 is correspondingly amended herein.

In view of the foregoing, the applicant respectfully requests that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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